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MEMO ENDORSED

January 24, 2020

VIA ECF

Hon. Ronnie Abrams, U.S.D.J.
Southern District of New York
500 Pearl Street, Room 1310
New York, NY 10007

**USDC-SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 1/27/20**

Re: *Nelson v. 303 Fare, LLC d/b/a Lolo's Seafood Shack & 303 West 116 St, LLC*
Case No.: 1:19-cv-10583

Dear Judge Abrams:

We represent Defendant 303 West 116th St. LLC (“Defendant”) in the above-referenced matter and submit this letter jointly with Plaintiff. In accordance with Your Honor’s Individual Rules, ¶ 1(D), please accept this letter as a request to (1) extend Defendant’s time to Answer the Complaint through February 24, 2020, and (2) adjourn the Initial Conference scheduled for January 31, 2020 to a date of the Court’s choosing following Defendant’s Answer deadline.

The reasons for this request are that Defendant retained counsel late yesterday and a Notice of Appearance was filed early today (See ECF Dkt. 14-15). Moreover, the parties are hopeful a settlement may be reached soon and would prefer to avoid incurring any additional fees associated with the litigation at this time.

Defendant’s original time to Answer was December 20, 2019 and Defendant is aware that default proceedings have been initiated against it (ECF Dkt. 10-13). However, we have has conferred with Plaintiff’s counsel and the parties have agreed to file a stipulation to vacate the Clerk’s Certificate of Default (ECF Dkt. 12). The parties anticipate filing that stipulation early next week. Further, Defendant has agreed to waive any defenses it may be able to assert as to personal service of the summons and complaint.

Plaintiff consents to the relief requested herein. These two requests will not affect the litigation otherwise as there are no other scheduled deadlines. No prior request for an adjournment or extension has been made.

We thank the Court for its attention to this matter.

Hon. Ronnie Abrams, U.S.D.J.
January 24, 2020
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Respectfully yours,

ELLENOFF GROSSMAN & SCHOLE LLP

Nicole Vescova

Nicole Vescova

cc: All counsel of Record (via ECF)

Application granted. Defendant 303 West 116th St. LLC's deadline to respond to the complaint is extended to February 24, 2020.

The initial status conference scheduled for January 31, 2020 is adjourned to February 28, 2020 at 10:30 a.m. The parties' joint letter and proposed case management plan is due no later than February 21, 2020.

SO ORDERED.



Ronnie Abrams, U.S.D.J.
January 27, 2020